

PATENT APPLICATION SERIAL NO _____

U.S DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

17/26/2005 MNGUYEN 00000022 080380 10822442

01 FC:1001	790.00 DA
02 FC:1201	200.00 DA
03 FC:1051	130.00 DA

Adjustment Date: 09/21/2005 SDIRETA1
07/26/2005 MNGUYEN 00000022 080380 10822442

01 FC:1001	790.00 CR
02 FC:1201	200.00 CR
03 FC:1051	130.00 CR

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PATENT APPLICATION
Docket No.: 3353.1008-005
PATENT AND TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 2005 AUG -2 PM 5:30

Applicants: Giuseppe Caputo and Leopoldo Della Ciana
Application No.: 10/822,442 Group Art Unit: 1626
Filed: April 12, 2004 Examiner: To be assigned
Confirmation No.: 1432

US PATENT & TRADEMARK
OFFICE

For: IMPROVED PROCESS AND METHOD FOR THE
PREPARATION OF ASYMETRIC MONOFUNCTIONALISED
INDOCYANINE LABELLING REAGENTS AND OBTAINED
COMPOUNDS

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
7/28/05	<i>Judith K. Sherman</i>
Date	Signature
Judith K. Sherman	
Typed or printed name of person signing certificate	

REQUEST FOR REFUND OF FILING FEES CHARGED TO ATTORNEY'S
DEPOSIT ACCOUNT WITHOUT AUTHORIZATION

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On April 12, 2004, the referenced Continuation application was filed in the U.S. Patent and Trademark Office (USPTO) by the law firm of Myers Bigel Sibley & Sajovec, P.A. The application was filed, without fees, and was immediately transferred to our law firm at the request of our client, VisEn Medical, Inc. A copy of the Utility Patent Application Transmittal Letter, clearly not authorizing the USPTO to charge fees to Myers Bigel Sibley & Sajovec's Deposit Account, is enclosed.

10/822,442

-2-

A Revocation of Power of Attorney document, with an associated Statement Under 37 C.F.R. § 3.73(b), and a Request for Change of Docket Number and Corrected Filing Receipt were mailed to the USPTO on July 20, 2004. The Request for Corrected Filing Receipt authorized the USPTO to charge any fees relating to the issuance of a new Filing Receipt but it did not confer global authorization to the USPTO to charge all fees.

A Notice to File Missing Parts of Patent Application was issued by the Office of Initial Examination (OIPE) on June 23, 2004, requiring the payment of the filing fees and surcharge by the nominal due date of August 23, 2004. A copy of the Notice is also enclosed for the convenience of the USPTO.

Subsequently, VisEn Medical, Inc. decided to discontinue prosecution of this application in the most cost-effective way by not paying the filing fees, thereby allowing it to go abandoned.

In reconciling our Attorney's PTO Deposit Account Statement dated July, 2005, our Accounting Department noted that the USPTO had charged Attorney Deposit Account No. 08-0380 for the Basic Filing Fee, in the amount of \$790; Independent Claims in excess of three, in the amount of \$200; and a surcharge in the amount of \$130, for a total charge of \$1,120. Information from the Patent Application Information Retrieval (PAIR) database indicates that the filing fee was paid on July 24, 2004. A copy of the printout from PAIR is also enclosed for the convenience of the USPTO.

It is apparent that a clerk in the Office of Initial Examination (OIPE) misinterpreted Applicants' Attorney's authorization to charge any fees relating to the issuance of a Corrected Filing Receipt for authorization to charge **all** outstanding fees. Applicants' Attorney maintains that the USPTO charged the filing fees to Attorney Deposit Number 08-0380 without authorization to do so. PAIR also indicates that the application remained in the OIPE for over a year, from July 24, 2004 when the fees were apparently paid until July 27, 2005 when the application was dispatched from OIPE. A Corrected Filing Receipt was never received indicating that the fees had been paid or that the Attorney Docket Number had been changed.

In view of the foregoing, Applicant's Attorney respectfully requests that the Patent Office credit Deposit Account No. 08-0380 in the amount of **\$1,120.00** and mark this application "abandoned" in the USPTO records. A duplicate of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By David E. Brook

David E. Brook

Registration No.: 22,592

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: July 28, 2005

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@PFDesktop\::ODMA/MHODMA/HBSR05;iManage;565244;1
DEB/VJT/jks
July 28, 2005

PATENT APPLICATION
Docket No.:3353.1008-005

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By David E. Brook
David E. Brook
Registration No.: 22,592
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Dated: July 28, 2005

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15750 U.S. PTO
041204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 9065-10CT

DATE: April 12, 2004

UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))

22782 U.S. PTO
10/822442
041204

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☐ a patent application
☒ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: 09/995,350; filed November 27, 2001, the disclosure of which is incorporated herein by reference in its entirety.
☒ and claims the benefit of European Application No. 00126019.9; filed November 28, 2000.

Inventor(s) or Application Identifier:

Giuseppe Caputo
Leopoldo Della Ciana

Entitled:

Improved Process and method for the Preparation of Asymetric Monfunctionalised Indocyanine Labelling Reagents and Obtained Compounds

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 28 pages of Specification (including 14 claims)
3. ☒ 11 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☒ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below])
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☒ Incorporation By Reference (*useable if box 4b is checked*)

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The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (Appendix)
8. ☒ Assignment papers (cover sheet(s) and document(s)) Copy from Parent Application
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 0 references cited
11. ☐ Preliminary Amendment (Please enter all claim amendments prior to calculating the filing fee.)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
17. ☐ Deletion of Inventors(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☒ Other: Copy of first page of Certified European Application No. 00126019.9, previously filed in Parent Application.

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	- 20 =		x 09 = \$	x 18 = \$
INDEP CLAIMS	- 3 =		x 43 = \$	x 86 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
If the difference in Col. 1 is less than zero, Enter "0" in Col. 2			Total \$	Total \$

- ☐ A check in the amount of \$ to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

F. Michael Sajovec
Registration No. 31,793

CERTIFICATE OF EXPRESS MAILING

Date of Deposit: April 12, 2004

Express Mail Label No. EV 193584242 US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Clara R. Beard



UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22311-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/822,442	04/12/2004	Giuseppe Caputo	9065-10CT

 20792
 MYERS BIGEL SIBLEY & SAJOVEC
 PO BOX 37428
 RALEIGH, NC 27627

CONFIRMATION NO. 1432

FORMALITIES LETTER

OC000000013036881

COPY

Date Mailed: 06/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$986 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$86


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Page 2 of 2

- \$86 for 1 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.


Customer Service Center
Initial Patent Examination Division (703) 308-1202

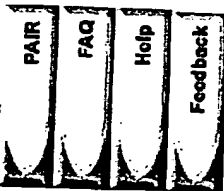
PART 3 - OFFICE COPY



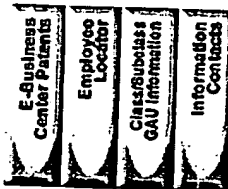
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Printer Friendly Version

Search results as of: 7-27-2005: 17:43:25 E.T.

Search results for application number: 10/822,442

Application Number:	10/822,442	Customer Number:	21005
Filing or 371(c) Date:	04-12-2004	Status:	Application Dispatched from Preexam, Not Yet Docketed
Application Type:	Utility	Status Date:	07-27-2005
Examiner Name:	-	Location:	ELECTRONIC
Group Art Unit:	1626	Location Date:	-
Confirmation Number:	1432	Earliest Publication No:	-
Attorney Docket Number:	3353.1008-005	Earliest Publication Date:	-
Class/ Sub-Class:	544/-	Patent Number:	-
First Named Inventor:	Giuseppe Caputo, Torino, (IT)	Issue Date of Patent:	-
Title Of Invention:	Process and method for the preparation of asymmetric monofunctionalised indocyanine labelling reagents and obtained compounds		

Select Search Option

Assignments	Search
Continuity Data	
Foreign Priority	
Image File Wrapper	
Publication Review	

File History

Date	Contents Description
07-27-2005	Application Return from OIPE

<http://pair-direct.uspto.gov/cgi-bin/final/pairsearch.pl>

7/27/2005

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07-27-2005	Application Is Now Complete
07-27-2005	Application Return TO OIPE
07-26-2005	Application Dispatched from OIPE
07-27-2005	Application Is Now Complete
07-24-2004	Payment of additional filing fee/Preexam
07-24-2004	An assertion that the nature of the legal entities having property rights to the patent authorizes t
03-25-2005	Correspondence Address Change
03-28-2005	Change in Power of Attorney (May Include Associate POA)
06-23-2004	Notice Mailed—Application Incomplete—Filing Date Assigned
05-12-2004	Cleared by OIPE CSR
04-22-2004	IFW Scan & PACR Auto Security Review
04-12-2004	Initial Exam Team nn

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